

**CITY OF KINGMAN
MEETING OF THE COMMON COUNCIL
Council Chambers
310 N. 4th Street**

6:00 P.M.

AGENDA

Monday, April 20, 2009

REGULAR MEETING

CALL TO ORDER & ROLL CALL

INVOCATION will be given by Pastor Grif Vautier, Kingman Presbyterian Church

PLEDGE OF ALLEGIANCE

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

1. APPROVAL OF MINUTES

The Regular Meeting minutes of April 6, 2009 and the Special Session minutes of April 9, 2009

2. AWARDS/RECOGNITION

Volunteers in Policing Service (VIP's) Recognition

National Volunteer Week was created in 1974 and will be celebrated throughout the nation the week of April 19th – 25th, 2009. The Kingman Police Department and City of Kingman would like to recognize the Volunteers in Police Service (VIP's) Unit. The unit was formed in 2005 and currently has 15 volunteers. In 2008 the VIP's provided over 2,900 hours of service to the department and community. In appreciation for their service and commitment to the community we would like to recognize; Connie Anderson, Sheri Bauer, Wayne Harden, Richard Kidder, Jeffrey & Shirley Mathe, David Moats, Joanne McLoed, Diana & Warren Olson, Harley Pettit, Bob Sherman, Lonnie Taylor and Ray Turner.

3. PROCLAMATIONS

- a.** The City of Kingman has proclaimed the month of May to be Route 66 Appreciation Month. The City of Kingman recognizes tourism as a major element of Kingman's economy, as well as providing residents with a higher quality of life through multiple levels of employment opportunities. Route 66 (The Mother Road) is Kingman's most recognized tourist attraction, both nationally and internationally.
- b.** The City of Kingman has proclaimed the week of April 13th through the 19th, 2009 as National Animal Control Appreciation Week. The City wishes to recognize the efforts of Animal Control personnel in their efforts to provide the public with animal control services performed in a caring and compassionate manner.

4. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments should be limited to no longer than 3 minutes.

5. CONSENT AGENDA

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

a. Special Event Liquor License

Agent and applicant Lawrence Carver of the Kingman Elks Lodge #468, located at 900 Gates Avenue, Kingman, AZ 86401, has applied for a Special Event Liquor License, for the dates of April 23rd, 24th and 25th, 2009, from 10:00 a.m. to 7:00 p.m., for the Motorcycle Show/Harley Run. The event is going to be held at the Harley Davidson Shop, located at 2501 Beverly Avenue, Kingman, Arizona. **Staff recommends approval of the Special Event Liquor License.**

b. Extension of Premises/Patio Permit Liquor License

Agent and applicant Melissa Robb of the VFW Post 3516, has applied for an Extension of Premises/Patio Permit for the Post Dinner to be held on May 2, 2009, from 4:00 p.m. to 7:00 p.m., at 2826 Wickieup, Kingman, Arizona. **Staff recommends approval of the Extension of Premises/Patio Permit Liquor License.**

c. Award of Bid – City Well No. 11 Pumping Equipment – Gilbert Pump & Equipment Company, Engineering Contract No. ENG08-091

On April 13, 2009, Staff received and opened bids for the City Well No. 11 Pump Project. Six bids were received with Gilbert Pump & Equipment Company being the low bidder. The Engineer's Estimate for this project is \$362,860. The low bid of \$420,660 from Gilbert Pump & Equipment Company is \$57,800 or about 16 percent above the estimate. The bid specifications required that contractors submit information on the pump and motor which will be used for this project. Gilbert failed to submit this data with their bid. Council has the right to waive this requirement of the bid process. The pump and motor information will be required as part of the contract submittal process. Gilbert has the proper contractor licensing and zero complaints on file with the State Registrar and has worked for the City on several previous pump projects. **Staff recommends that the bid requirement to submit pump data be waived and that the contract be awarded to Gilbert Pump & Equipment Company for their low bid amount of \$420,660.**

d. Resolution No. 4587-R – Authorization of an Intergovernmental Agreement (IGA) with ADOT for Right-of-Way Activities Associated with the Rattlesnake Wash/I-40 Traffic Interchange

Council adopted Resolution No. 4587 authorizing the Mayor to sign an IGA with ADOT for right-of-way activities for the Rattlesnake Wash / I-40 traffic interchange on February 2, 2009. ADOT has requested that this resolution be re-worded. In the last sentence in the fourth paragraph, the phrase "...not to exceed \$313,500." needs to be replaced with the phrase "...currently estimated at \$313,500." These right-of-way activities will occur over the next few years and fixed bids for all activities cannot be obtained now. ADOT will be contracting this work on the City's behalf, with the City paying for each activity as we go. The "not to exceed" amount may imply to some that ADOT would be responsible for funding any activity cost above the estimate. This is not the case; the City is responsible for these right-of-way costs and the Resolution should state so clearly. Below is the information from the original Council communication in February. Approximately eighty-one acres of right-of-way are needed for construction of Phase 1 of the Rattlesnake Wash traffic interchange project. Under the Letter of Intent signed in January of 2006, the City of Kingman is responsible for all right-of-way acquisition activities. In order to comply with federal acquisition guidelines and maintain project eligibility for federal funding sources, it is recommended that the city follow ADOT acquisition procedures. This proposed agreement would allow ADOT to contract for surveying, right-of-way plans, staking, and monumentation in accordance with state and federal specifications. The City of Kingman would pay up-front for these services as they are needed, starting with surveying. **Staff recommends adoption of Resolution No. 4587-R, JPA 08-141-I.**

6. OLD BUSINESS

a. Ordinance No. 1655 – Expansion of Economic Tourism and Development Commission (ETDC) From Seven to Nine Members

At the December 2008 ETDC meeting, ETDC recommended that the City Council consider increasing ETDC from 7 to 9 members. City Council discussed the possible expansion at the December 15, 2008 Council meeting and in fact, approved a motion to direct Staff to draft an ordinance that would expand ETDC members from 7 to 9. However, later on the same agenda, Council discussed the creation of a Commission for the purpose of marketing Kingman and the Tri-City area. Included in this discussion was the subject of creating a sub-commission of ETDC, creating a committee instead of a commission, and other ideas. The discussion concluded with Council directing Staff to draft a resolution for further discussion on the matter. At the January 20, 2009, City Council meeting Council adopted Resolution No. 4581 thereby creating the Economic Development and Marketing Workgroup and recently made appointments. The ETDC again discussed expansion of its members from 7 to 9 at the April 2, 2009 meeting. Ordinance No. 1655 confirms expansion of the ETDC from 7 to 9 members. **Staff recommends approval of Ordinance No. 1655.**

b. Public Auction of Parcel IV-U-B-C-b at the Kingman Airport and Industrial Park

City Council authorized and scheduled a Public Auction of Parcel IV-U-B-C-b, for the April 20, 2009 City Council meeting. This parcel contains 2.0 acres and has been appraised at \$130,680.00. The anticipated bidder does not require ADEQ or EPA permit or approval for operations on the site. **Staff recommends conducting the Pubic Auction.**

- c. **Ordinance No. 1652 – Amendment to Subsections 13.220 USES WHICH MAY BE PERMITTED BY CONDITIONAL USE PERMIT and 13.370 CONDUCT OF USES in the C-3 Zoning District to Allow Vehicle Repair and Service Work to Take Place Outside of an Enclosed Building and Any Permanent Outside Equipment Necessary for Vehicular Repair and Service to be Allowed by Conditional Use Permit**

On April 6, 2009, the City Council held its Public Hearing on this proposed code amendment. Following the Public Hearing, the City Council tabled action and asked Staff to return with an ordinance that would permit vehicular repair and service outside of enclosed building, but not require such work to be completed by the close of the business day. Existing outdoor permanent equipment is not considered a legal non-conforming use and businesses with such equipment will need to secure conditional use permits to have such equipment. **Staff recommends approval of Ordinance No. 1652.**

- d. **Fiscal Year 2009-10 Preliminary Budget and Infrastructure/Capital Improvement Plan Discussion and Direction**

Several discussion points came up during the FY2009-10 Preliminary Budget and CIP Workshop held April 9, 2009 that merit further deliberation prior to consideration of the Tentative Budget next month.

1. Discussion and direction of whether to pursue a Development Investment Fee Study in FY2009-10 or FY2010-11
2. Discussion and direction of whether to eliminate KART Saturday service and reduce Monday-Friday operating hours from 6:00 a.m. to 6:00 p.m.
3. Discussion and direction of whether to include a 1% salary increase for employees; delay implementation until January 1 (after a review of state shared and city revenues); or forego until a future year
4. Discussion and direction of whether to consider a .15% local sales tax increase for the chip seal and overlay programs on a future Council agenda
5. Discussion and direction of whether/when to schedule a future Council workshop for a bond election for capital improvements

Staff recommends Council discuss these items and provide direction for inclusion or exclusion in the FY2009-10 budget.

7. NEW BUSINESS

- a. **Presentation on the 2010 US Census and Consideration of Forming a Complete Count Committee**

Gail Sadler, Partnership Specialist for the US Census Bureau, will make a presentation on the 2010 US Census. Ms. Sadler would like to develop a partnership with the City to increase the response rate of its citizens from the 2000 census and to increase the accuracy of the information gathered in the census through a grassroots Complete Count Campaign. Kingman's participation rate in the 2000 census was 68%. Kingman's 2010 census will be by the enumerators hanging the census questionnaires on doorknobs. The census form only asks 10 questions. Ms. Sadler would like to have a Proclamation of Commitment issued and City establish a "Complete Count Committee". The Complete Count Committee would assist in strategizing on how to use the community's expertise and assets to educate and motivate our citizens who might be reluctant to participate in the census. **Staff recommends direction from**

the Mayor and Council to seek participants for a Complete Count Committee and return to Council for the formation of a Complete Count Committee.

b. Resolution No. 4593 – Cerbat Water Company Water Service Agreement

Cerbat Water Company AKA Claude Neal Family Trust, requested City water on an emergency basis on or about February 20, 2009 due to failure of their well. This area is outside the City's water service area thus should be covered with a wholesale agreement. Currently the rates assessed to the Cerbat Water Company are equivalent to the rates we charge other customers outside the City limits that access City water through a fill stand or hydrant meter. The proposed rate with the water service agreement would be the lowest wholesale rate. During a 30 day emergency period Cerbat Water company could need in surplus of 3.1 million gallons. **Staff recommends approval, denial, or modification of proposed water service request.**

c. Ordinance No. 1656 – Special Event Permit

The City Attorney's office, with the assistance, guidance, and direction from other affected departments, have reviewed, modified and renamed the City Code Parade Permit ordinance. This was done to update and streamline the permit process. The modifications will allow the process to be handled through the TrakIt system which will greatly speed up approval and improve the coordination of the event. **Staff recommends the approval of Ordinance No. 1656.**

d. Resolution No. 4598 – Spending of Federal Economic Renewal Grants to the City of Kingman

The economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment. Those same Americans are the taxpayers that provide the revenue needed to operate essential government services so our taxpayer dollars should be spend to maximize the creation of American jobs and in restoring the economic vitality of our community. The City of Kingman commits to purchase only products and services that are made or performed in the United States of America whenever and wherever possible. **Staff recommends the adoption of Resolution No. 4598.**

8. DEPARTMENT REPORTS

Update on repairs and replacement of Public Safety Radio System equipment – Chief Osterman

9. EXECUTIVE SESSION

THE COUNCIL MAY GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH A.R.S.38-431.03(A) (1) TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

City Manager sixth month review

10. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

If needed

ADJOURNMENT

Posted_____ **by**_____